

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CBIZ, INC., <i>et al.</i> ,)	CASE NO. 1:24-cv-1027
)	
Plaintiffs,)	JUDGE J. PHILIP CALABRESE
)	
v.)	MAGISTRATE JUDGE
)	JONATHAN D. GREENBERG
GREGORY J. CRYAN, <i>et al.</i> ,)	
)	
Defendants.)	<u>DECLARATION OF LAWRENCE D.</u>
)	<u>POLLACK</u>

DECLARATION OF LAWRENCE D. POLLACK

Pursuant to 28 U.S.C. § 1746, I, Lawrence D. Pollack, state the following, of which I have personal knowledge:

1. I am a partner at the law firm UB Greensfelder LLP and one of the attorneys representing CBIZ, Inc., CBIZ Benefits & Insurance Services, Inc., and CBIZ Insurance Services, Inc. ("CBIZ") in this matter. I make this Declaration based on my personal knowledge. I am competent to testify to all facts in this Declaration.

2. On page 33 of Defendants' Opposition to Plaintiffs' Motion for Summary Judgment (ECF No. 114, PageID #5255), Defendants contend that CBIZ did not produce commission and production reports as requested. This is incorrect and Defendants' statements are misleading.

3. Defendants served their Third Requests for Production of Documents on February 26. Request Nos. 3–8 sought commission and production detail reports for each Defendant. (Koechley Decl., Ex. I, ECF No. 113.) By rule, and per the instructions, the responses were not due for thirty-days, until March 28.

4. Defendants' counsel's emails of March 12, 20 and 24 asking about the status of the documents were all sent before the responses or documents were even due. The attachment to counsel's March 20 email was never incorporated into the specific requests.

5. Defendants' Opposition and Declaration failed to acknowledge or mention many of the commission and production reports served by Plaintiffs.

6. Plaintiffs' counsel notified Defendants' counsel of the omission of several document productions in the Declaration during a call on April 22 and in an email dated April 23 (attached as Exhibit A), including:

a. Defendants' final commission payments produced on October 4, 2024, at CBIZ 00002881-2899.

b. On March 11, before the due date, Plaintiffs produced 368 monthly commission reports through April 2024.

c. On March 24, Plaintiffs produced 9 additional commission reports, CBIZ 00059989-59997, through June and July 2024. These were subsequently acknowledged in Defendants' Amended Declaration.

d. On March 26, Plaintiffs produced production reports from January 2019 through May/June 2024 at CBIZ 00060405-60410. These documents were not acknowledged in Defendants' Amended Declaration. These productions are voluminous and contain details about each Defendant. In a separate email dated Saturday, April 26, Defendants' counsel maintained that all of the information was not contained in the production report spreadsheets. (Ex. A.)

7. After the March 24 and 26 productions, Defendants never raised an issue about the production reports until its Opposition was filed on April 21.

8. After learning of the alleged deficiency on Saturday, April 26, Plaintiffs produced additional reports on Monday, April 28 at CBIZ 00062964-62973. This would have been easily addressed on April 7 when Plaintiffs filed their motion for summary judgment.

I declare, under penalty of perjury, that the foregoing is true and correct.

Date: April 28, 2025



Lawrence D. Pollack